

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In re

Determination of Rates and Terms for
Digital Performance of Sound Recordings
and Making of Ephemeral Copies to
Facilitate those Performances (*Web V*)

Docket No. 19-CRB-0005-WR (2021-2025)

**SOUNDEXCHANGE’S UNOPPOSED MOTION TO SUBMIT
CORRECTED REPLIES TO THE SERVICES’ PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

SoundExchange, Inc., the American Federation of Musicians of the United States and Canada (“AFM”), Screen Actors Guild-American Federation of Television and Radio Artists (“SAG-AFTRA”), the American Association of Independent Music (“A2IM”), Sony Music Entertainment (“Sony”), UMG Recordings, Inc. (“UMG”), Warner Music Group Corp. (“WMG”), and Jagjaguwar Inc. (collectively, “SoundExchange”), through their undersigned counsel, respectfully move for leave to submit the attached corrected versions of SoundExchange’s Replies to the Services’ Joint Proposed Findings of Fact and Conclusions of Law as well as SoundExchange’s Replies to the individual Proposed Findings of Fact and Conclusions of Law of Google, the National Association of Broadcasters, and Pandora/Sirius XM. SoundExchange’s initial replies were submitted on October 28, 2020.

SoundExchange seeks leave to make non-substantive corrections. More specifically, SoundExchange seeks to correct typographical errors in citations including to volume, page, line, exhibit, or paragraph numbers.

Counsel for SoundExchange has identified these corrections via email correspondence to counsel for Sirius XM Radio, Inc., Pandora Media, LLC, the National Association of Broadcasters,

Google, Inc., and the National Religious Broadcasters Noncommercial Music License Committee, through which the Educational Media Foundation is participating (collectively, the “Services”). Counsel for the Services have informed SoundExchange they do not oppose this motion.

Clean versions of SoundExchange’s corrected replies, as well as redline versions illustrating the corrections, are appended to this motion as follows:

- Services’ Joint: Exhibit A-1 (clean), Exhibit B-1 (redline);
- Google: Exhibit A-2 (clean), Exhibit B-2 (redline);
- NAB: Exhibit A-3 (clean), Exhibit B-3 (redline); and
- Pandora/Sirius XM: Exhibit A-4 (clean), Exhibit B-4 (redline).

SoundExchange respectfully requests that the Judges grant the motion and allow the filing of Exhibits A-1, A-2, A-3, and A-4 as SoundExchange’s corrected versions of each of these replies.

CONCLUSION

For the foregoing reasons, SoundExchange respectfully requests that the Judges grant its Unopposed Motion to Submit Corrected Replies to the Services’ Proposed Findings of Fact and Conclusions of Law.

Respectfully submitted,

Dated: November 10, 2020

By: /s/ David A. Handzo
David A. Handzo
(D.C. Bar No. 384023)
JENNER & BLOCK LLP
1099 New York Ave., N.W., Suite 900
Washington, D.C. 20001
(v) 202-639-6000
(f) 202-639-6066
DHandzo@jenner.com

Counsel for SoundExchange, Inc., Sony Music Entertainment, Universal Music Group, Warner Music Group, the American Association of Independent Music, the American Federation of Musicians of the United States and Canada, the Screen Actors Guild and American Federation of Television and Radio Artists, and Jagjaguwar Inc.

EXHIBIT A-1

Restricted versions omitted.

EXHIBIT A-2

Restricted versions omitted.

EXHIBIT A-3

Restricted versions omitted.

EXHIBIT A-4

Restricted versions omitted.

EXHIBIT B-1

Restricted versions omitted.

EXHIBIT B-2

Restricted versions omitted.

EXHIBIT B-3

Restricted versions omitted.

EXHIBIT B-4

Restricted versions omitted.

Proof of Delivery

I hereby certify that on Tuesday, November 10, 2020, I provided a true and correct copy of the SoundExchange's Unopposed Motion to Submit Corrected Replies to the Services' Proposed Findings of Fact and Conclusions of Law to the following:

Google Inc., represented by Kenneth L Steinthal, served via ESERVICE at ksteinthal@kslaw.com

Sirius XM Radio Inc., represented by Benjamin E. Marks, served via ESERVICE at benjamin.marks@weil.com

Pandora Media, LLC, represented by Benjamin E. Marks, served via ESERVICE at benjamin.marks@weil.com

National Religious Broadcasters Noncommercial Music License Committee, represented by Karyn K Ablin, served via ESERVICE at ablin@fhhlaw.com

National Association of Broadcasters, represented by Sarang V Damle, served via ESERVICE at sy.damle@lw.com

Educational Media Foundation, represented by David Oxenford, served via ESERVICE at doxenford@wbklaw.com

Signed: /s/ David A. Handzo